

# ATTACHMENT C

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

ZITO CANTON, LLC,

*Complainant,*

v.

PPL ELECTRIC UTILITIES CORPORATION,

*Respondent.*

Proceeding No. 17-284  
File No. EB-17-MD-005

**REPLY DECLARATION OF JAMES RIGAS**

I, JAMES RIGAS, declare as follows:

1. I serve as Co-President of Zito Canton, LLC (“Zito”), with a general office address of 102 South Main Street, Coudersport, PA 16915. I make this Reply Declaration in support of Zito’s Reply in Support of Amended Pole Attachment Complaint (“Reply”) in the above-captioned case. I know the following of my own personal knowledge, and if called as a witness in this action, I could and would testify competently to these facts under oath.
2. I have served as Co-President for 11 years. In this role, I am responsible for managing all aspects of Zito’s business, including sales, marketing, operations, and business planning.
3. I have reviewed the allegations made in the Reply filed in this proceeding and verify that they are true and correct to the best of my knowledge, information and belief.
4. Zito relies upon PPL Electric Utility Corporation (“PPL”) poles and power distribution plant to deliver Zito’s services to customers. Zito’s agreements with its customers include

service level agreements that require Zito to pay significant monetary penalties for service interruptions.

5. Underground construction is not a viable alternative to aerial construction of Zito's facilities, especially in Pennsylvania, where boring through bedrock and restoration expenses combine to make underground construction cost prohibitive.

6. Faced with make-ready estimates that exceeded on average \$23,473 per mile for the project and that were as high as \$69,714 per mile for one application for twenty poles for the project that would have prevented Zito from meeting its customer buildout schedules, Zito resorted to a very costly fiber leasing arrangement with PenTeleData at a rate of \$24,000 per month. Costly facility leases such as this are not a viable long term solution for Zito.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

By:   
James Rigas

Dated: December 1, 2017